IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA   PLAINTIFF

        v.   Civil No. 04-5048

JONATHAN R. DONAWAY,
Sole surviving heir at law of
JOHN C. DONAWAY, Deceased;
CREDIGY RECEIVABLES, INC.,
Assignee of FIRST SELECT, INC.;
and CITY OF BENTONVILLE, ARKANSAS   DEFENDANTS

ORDER

Now on this 3d day of January, 2006, comes on for consideration the **Motion For Relief From Order Of Distribution And Final Judgment** (Document #19) filed herein by the plaintiff, United States of America, on November 23, 2005, and the Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. On June 28, 2004, this Court entered a **Decree of Foreclosure** (Document #12), pursuant to which a mortgage lien described therein was ordered foreclosed and the lands encumbered thereby were ordered sold.

2. The lands were sold and on September 30, 2004, the Court entered the following:

* an **Order Confirming Report Of Sale, Sale And Approving Deed** (Document #16);

* an **Order of Distribution** (Document #17); and

* a **Final Judgment** (Document #18).

3. In its Motion, the United States points out that certain errors were discovered by it which could and should be corrected -- by the Court setting aside the Court's said **Order of Distribution** (Document #17) and **Final Judgment** (Document #18). The Court agrees and believes the Motion is well-taken and should be granted.

IT IS, THEREFORE, ORDERED that this Court's **Order of Distribution** (Document #17) and **Final Judgment** (Document #18), both of which are dated September 30, 2004 and both of which were filed of record October 1, 2004, be, and they hereby are, vacated.

IT IS FURTHER ORDERED that all other previous Orders of this Court are hereby reaffirmed as entered.

IT IS FURTHER ORDERED that, contemporaneously herewith, the Court shall enter herein a new **Amended Order of Distribution** and new **Amended Final Judgment.**

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
U.S. DISTRICT JUDGE